

ANSWER: The defendant admits the allegations contained within Paragraph 2.

**JURISDICTION**

3. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. §1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and the plaintiff and defendant are citizens of different states.

ANSWER: The defendant admits the existence of said statute and admits diversity of citizenship. The defendant denies that the plaintiff is entitled to recover a sum in excess of \$75,000.

4. Venue is proper in the District Court for the Northern District of Illinois because the plaintiff resides within the geographical boundaries of the Northern District of Illinois and the subject incident occurred within the geographical boundaries of the Northern District of Illinois.

ANSWER: The defendant admits that venue is proper.

**FACTS**

5. On June 14, 2006, the plaintiff, Elizabeth Hopkinson, was a passenger traveling in a motor vehicle being operated by Danielle DePaola, which was proceeding eastbound on Army Trail Road at or near its intersection with Schmale Road, in the City of Bloomingdale, County of DuPage, State of Illinois.

ANSWER: The defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained within Paragraph 5.

6. At the time and place alleged, the defendant, Phillip Gillespie, owned, operated, managed, maintained and controlled his semi tractor-trailer on Schmale Road at or near its intersection with Army Trail Road in the City of Bloomingdale, County of DuPage, and State of Illinois.

ANSWER: The defendant admits that he operated said vehicle at the time and place alleged.

7. At all times relevant herein, the defendant, Phillip Gillespie, owed the plaintiff, and others on the roadway, the duty to operate, manage, maintain and control his semi tractor-trailer with due care and in a reasonably safe manner so as not to cause injury to the plaintiff.

ANSWER: The defendant admits only to those duties imposed upon him by law and denies all other allegations with respect to duty.

8. At the time and place alleged, the defendant, Phillip Gillespie, operated his semi tractor-trailer in a manner so as to cause it to enter the eastbound lane of traffic on Army Trail Road and collide with the front passenger side of the vehicle in which plaintiff was traveling.

ANSWER: The defendant admits that contact occurred between said vehicles at the time and place alleged; however, the defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained within Paragraph 8.

9. On June 14, 2006, the defendant breached his duty through one or more of the following negligent acts or omissions:

- (a) Operated his motor vehicle without a proper and sufficient lookout;
- (b) Failed to stop his semi tractor-trailer at a red light in violation of the Illinois Rules of the Road;
- (c) Disobeyed a traffic control sign clearly posted at the time and place alleged which prohibited vehicles from making right-hand turns on a red light in violation of the Illinois Rules of the Road;
- (d) Failed to yield the right of way to the operator of the vehicle in which plaintiff was a passenger in violation of the Illinois Rules of the Road;
- (e) Failed to reduce speed to avoid a collision in violation of the Illinois Rules of the Road;

- (f) Failed to equip said vehicle with adequate brakes;
- (g) Failed to obey posted traffic signs in violation of the Illinois Rules of the Road;
- (h) Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway;
- (i) Failed to maintain proper control of his vehicle;
- (j) Failed to give audible warning with his horn when such warning was reasonably necessary to ensure safety;
- (k) Otherwise violated the Illinois Rules of the Road; and/or
- (l) Was otherwise negligent in the operation, management, maintenance and control of his vehicle.

ANSWER: The defendant denies the allegations contained in Paragraph 9, including Subparagraphs (a) through (l), inclusive.

6. [sic] As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the defendant, Phillip Gillespie's motor vehicle struck the vehicle in which the plaintiff was traveling which in turn caused the plaintiff to suffer injuries of a personal and pecuniary nature.

ANSWER: The defendant admits that contact occurred between said vehicles but denies all remaining allegations contained in Paragraph 6 [sic], and further denies that the plaintiff was injured in the manner and to the extent alleged.

#### **JURY DEMAND**

7. [sic] Plaintiff, Elizabeth Hopkinson, demands trial by jury.

ANSWER: The defendant, PHILLIP G. GILLESPIE, demands trial by jury.

WHEREFORE, the defendant, PHILLIP G. GILLESPIE, by and through his attorneys, LaBARGE, CAMPBELL & LYON, L.L.C., denies that the plaintiff, ELIZABETH HOPKINSON, is entitled to judgment against him in any amount whatsoever.

Respectfully submitted,

*/s/ Michael R. LaBarge*

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